

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RAUL RIVERA CHAVEZ,)
Petitioner,) No. C 08-00491 JW (PR)
vs.) ORDER DIRECTING PETITIONER
ROSE MARTINEZ, Warden,) TO PAY FEE OR FILE *IN FORMA*
Respondent.) *PAUPERIS* APPLICATION

Petitioner filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Since petitioner filed what appeared to be a new habeas petition into a closed file, case number C 06-00069 JW (PR), the Court directed the clerk to transfer the relevant documents into a separate file and assign a new case number. Accordingly, this habeas action is proceeding under the case number captioned above. However, the information contained in the instant petition was not sufficient for this Court to determine whether petitioner stated cognizable claims under § 2254. Therefore, on January 18, 2008, petitioner was granted thirty days to file an AMENDED PETITION.

Furthermore, petitioner must either pay the full filing fee of \$5.00 or submit an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a).

1 Failure to do so within the same time provided for filing an amended petition will
2 result in the dismissal of this action without further notice to petitioner.

3 The clerk shall attach a copy of the court's In Forma Pauperis application
4 with a copy of this order to petitioner.

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6 DATED: January 24, 2008

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JAMES WARE
United States District Judge